

The Applicant has reviewed the February 26, 2003 Office Action, and respectfully submits the foregoing amendments and following remarks in response thereto. The Applicant has amended the claims by canceling claims 12-14, 18-20, 26-29 and 31, which contain limitations regarding the non-noble metal tin. With respect to objected-to claims 6-9, 16 and 22, the Applicant wishes to express his appreciation for the Examiner's indication that these claims contain patentable subject matter. In view of the remarks below, however, the Applicant believes the claims from which these claims depend are allowable, and therefore respectfully declines the invitation to amend claims 6-9, 16 and 22 at this time.

As to perfection of the Applicant's claim to priority, the Applicant notes that there is an explicit claim to priority to the prior Japanese applications on the first page of the declaration filed May 8, 2001. The Applicant believes this Declaration fully complies with the requirements for claiming convention priority, and therefore requests the requirement for a replacement declaration be withdrawn.

In view of the foregoing amendments and the following remarks, the Applicant respectfully requests reconsideration of the pending rejections and allowance of claims 1-11, 15-17, 21-25 and 30.

1. The Claims Are Patentable Over Yoshimura and the Other Cited References.

The Applicant respectfully traverses the rejection under § 102(e) of claims 1, 4-5, 10, 12-15, 18-21, 24 and 26-31 as anticipated by Yoshimura and the rejection under § 103(a) of claims 2-3, 11, 17, 23 and 25 unpatentable over Yoshimura in view of Hawley's Condensed Chemical Dictionary, on the grounds that Yoshimura does not disclose or suggest all the features of the present invention as claimed, and Hawley's fails to cure this deficiency.

Claim 1 recites a separator comprising, *inter alia*, "a noble metal coating layer *formed from a noble metal* and formed at least on the surface of the separator base metal." Claims 15, 21 and 30 recite similar limitations.

Yoshimura is cited as teaching a separator which "comprises a metal base member coated with an electrically conductive material ... so that a sufficiently high corrosion resistance can be achieved *without using a costly material such as a noble metal*." February 26, 2003 Office Action at 3; Yoshimura at 2:15-21 (same; emphasis added). In fact, Yoshimura discloses only that its base metal coating layer 62 is a non-noble metal, specifically the metal tin. Yoshimura at 6:10-11; Fig. 4. Yoshimura thus does not disclose claim 1's use of a noble metal coating, and in

fact teaches away from the use of such metals. Moreover, this deficiency is not cured by Hawley's, which is only cited to as a reference for the identity of the noble metals.

In view of the foregoing, the Applicant respectfully submits that the present invention is neither anticipated by Yoshimura under § 102(e), nor obvious in view of the combination of Yoshimura and Hawley's under §103(a). Reconsideration and withdrawal of the pending §102(e) and §103(a) rejections is therefore respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the presently pending claims are in allowable form. The Applicant earnestly solicits an early and favorable action on the merits and issuance of a Notice of Allowance for claims 1-11, 15-17, 21-25 and 30.

The Examiner is invited to contact the undersigned at (202) 220-4232 to discuss any matter concerning this application.

The Applicants do not believe that any additional fees are required in connection with this submission. Nonetheless, the Applicants authorize payment of any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit of any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,



Mark H. Neblett
Registration No. 42,028

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KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005
Tel: (202) 220-4200
Fax: (202) 220-4201